

2:07cv703-mht

Page 2

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MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT

SENTENCE BY A PERSON IN FEDERAL CUSTODY

2007 AUG -3 A 10:27

United States District Court Middle	District of Alabama	DEBRA P. HACKETT, CLK U.S. DISTRICT COURT MIDDLE DISTRICT ALA
Name (under which you were convicted): <b>ERIC M. PEAGLER</b>	Docket or Case No.	
Place of Confinement: FCC Yazoo City (Low)	Prisoner No.: 07403-002	
UNITED STATES OF AMERICA		Movant (include name under which you were convicted)
v. <b>ERIC M. PEAGLER</b>		

## MOTION

1. (a) Name and location of court that entered the judgment of conviction you are challenging: United States District Court, Montgomery, Alabama
- (b) Criminal docket or case number (if you know): 2:02cr016-A
2. (a) Date of the judgment of conviction (if you know): November 9, 2002
- (b) Date of sentencing: December 6, 2005
3. Length of sentence: 168 months
4. Nature of crime (all counts): Count One: Conspiracy to possess with intent to distribute and distribution of drugs.
5. (a) What was your plea? (Check one)
 

(1) Not guilty ☐ (2) Guilty ☒ (3) Nolo contendere (no contest) ☐

(b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, what did you plead guilty to and what did you plead not guilty to? \_\_\_\_\_
6. If you went to trial, what kind of trial did you have? (Check one) Jury ☐ Judge only ☐

7. Did you testify at a pretrial hearing, trial, or post-trial hearing? Yes ☐ No ☐
8. Did you appeal from the judgment of conviction? Yes ☒ No ☐
9. If you did appeal, answer the following:

(a) Name of court: United States Court of Appeals Eleventh Circuit

(b) Docket or case number (if you know): 06-11334-GG

(c) Result: Voluntary dismissed

(d) Date of result (if you know): November 6, 2006

(e) Citation to the case (if you know): \_\_\_\_\_

(f) Grounds raised: Whether the Government breached its oral plea agreement or acted in bad faith after Appellant upheld his part of the agreement by testifying truthfully on behalf of the Government and the Government failed to live up to its side of the agreement in full?

(g) Did you file a petition for certiorari in the United States Supreme Court? Yes ☐ No ☒

If "Yes," answer the following:

(1) Docket or case number (if you know): \_\_\_\_\_

(2) Result: \_\_\_\_\_

(3) Date of result (if you know): \_\_\_\_\_

(4) Citation to the case (if you know): \_\_\_\_\_

(5) Grounds raised: \_\_\_\_\_

10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications concerning this judgment of conviction in any court?

Yes ☐ No ☒

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: \_\_\_\_\_

(2) Docket or case number (if you know): \_\_\_\_\_

(3) Date of filing (if you know): \_\_\_\_\_

(4) Nature of the proceeding: \_\_\_\_\_

(5) Grounds raised: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(6) Did you receive a hearing where evidence was given on your motion, petition, or application? Yes ☐ No ☐

(7) Result: \_\_\_\_\_

(8) Date of result (if you know): \_\_\_\_\_

(b) If you filed any second motion, petition, or application, give the same information:

(1) Name of court: \_\_\_\_\_

(2) Docket or case number (if you know): \_\_\_\_\_

(3) Date of filing (if you know): \_\_\_\_\_

(4) Nature of the proceeding: \_\_\_\_\_

(5) Grounds raised: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(6) Did you receive a hearing where evidence was given on your motion, petition, or application? Yes ☐ No ☐

(7) Result: \_\_\_\_\_

(8) Date of result (if you know): \_\_\_\_\_

(c) Did you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition, or application?

(1) First petition: Yes ☐ No ☐

(2) Second petition: Yes ☐ No ☐

(d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not: \_\_\_\_\_

12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: Whether Petitioner received adequate assistance of counsel as provided for by the Sixth Amendment when the

~~(a) Supporting facts. (Do not argue or cite law. Just state the specific facts that support your claim.)~~  
Government arbitrarily and in bad faith withheld promised  
benefits for his substantial assistance.

"See Attached Memorandum of Law"

(b) Direct Appeal of Ground One:

- (1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

- (2) If you did not raise this issue in your direct appeal, explain why: The issue is in  
regards to ineffective assistance of counsel.

(c) Post-Conviction Proceedings:

- (1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

- (2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: \_\_\_\_\_

GROUND TWO: The Court erred when it granted a reduction in a manner contrary to the meaning plainly understood by the  
~~(\*) Supporting facts (Do not argue in the law. Just state the specific facts that support your claim.)~~  
Petitioner and the Government.

"See Attached Memorandum of Law"

(b) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why: The issue is in regards to ineffective assistance of counsel.

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: \_\_\_\_\_

GROUND THREE: Petitioner request an evidentiary hearing on the  
Government's "Motion for reduction in Sentence."

~~(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim):~~

"See Attached Memorandum of Law"

(b) Direct Appeal of Ground Three:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why: The issue is in  
regards to ineffecttive assistance of counsel.

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: \_\_\_\_\_

**GROUND FOUR:** \_\_\_\_\_

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):



**(b) Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: \_\_\_\_\_

**(c) Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☐

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the judgment you are challenging? Yes ☐ No ☒  
If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: \_\_\_\_\_  
\_\_\_\_\_

(b) At arraignment and plea: \_\_\_\_\_  
\_\_\_\_\_

(c) At trial: \_\_\_\_\_  
\_\_\_\_\_

(d) At sentencing: Jeffery C. Duffey, 600 S. McDonough Street  
Montgomery, AL 36104

(e) On appeal: \_\_\_\_\_

(f) In any post-conviction proceeding: \_\_\_\_\_

(g) On appeal from any ruling against you in a post-conviction proceeding: \_\_\_\_\_

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time? Yes ☐ No ☒

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future: \_\_\_\_\_

(b) Give the date the other sentence was imposed: \_\_\_\_\_

(c) Give the length of the other sentence: \_\_\_\_\_

(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes ☐ No ☐

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18. **TIMELINESS OF MOTION:** If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.\* N/A

\* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of —

- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

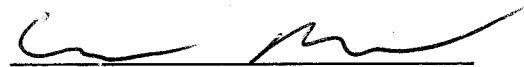
Therefore, movant asks that the Court grant the following relief: The 50% reduction  
agreed upon with Petitioner.

or any other relief to which movant may be entitled.

\_\_\_\_\_  
Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct  
and that this Motion under 28 U.S.C. § 2255 was placed in the prison mailing system on \_\_\_\_\_  
7-30-07 (month, date, year).

Executed (signed) on 7-30-07 (date).

  
\_\_\_\_\_  
Signature of Movant  
Eric M. Peagler

If the person signing is not movant, state relationship to movant and explain why movant is not  
signing this motion. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IN FORMA PAUPERIS DECLARATION

\_\_\_\_\_  
[Insert appropriate court]

\* \* \* \* \*

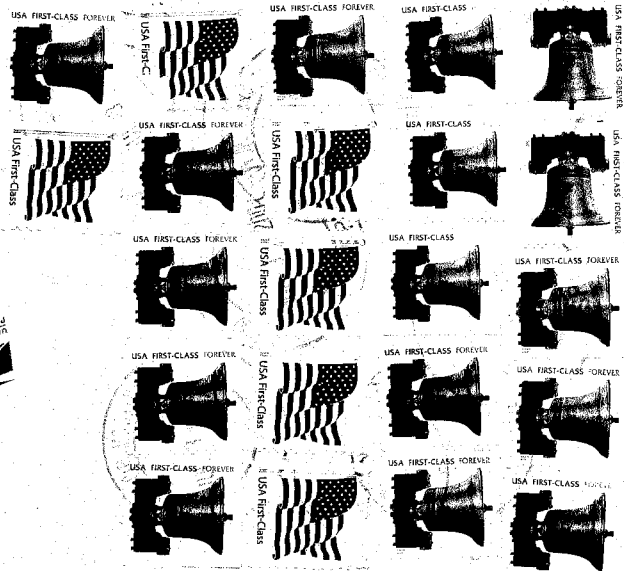
Eric M. Peagler  
Reg. No. 07403-002  
P.O. Box 5000  
Yazoo City, MS 39194

LEGAL MAIL



7004 2690 0001 1050 9329

Clerk of Court  
U.S. District Court  
Middle District of Alabama  
Johnson U.S. Courthouse  
Room B-110  
P.O. Box 711  
Montgomery, AL 36101-0711



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# UNITED STATES DISTRICT COURT

MIDDLE

District of

ALABAMA

UNITED STATES OF AMERICA

V.

ERIC M. PEAGLER

## JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number:

2:02CR00016-005

Jeffery C. Duffey

Defendant's Attorney

### THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the indictment.

☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

FILED

NOV 22 2002

CLERK  
U.S. DISTRICT COURT  
MIDDLE DIST. OF ALA.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21:846	Conspiracy to Distribute and Possess With Intent to Distribute Cocaine, Cocaine Base and Marijuana.	12/14/2001	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

X Count(s) 5 of the indictment X is ☐ are dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances

Defendant's Soc. Sec. No 424-94-2889

Defendant's Date of Birth March 20, 1959

Defendant's USM No 07403-002

Defendant's Residence Address

4016 Sagebrush Drive

Montgomery, AL 36108

Defendant's Mailing Address

4016 Sagebrush Drive

Montgomery, AL 36108

November 13, 2002

Date of Imposition of Judgment

Signature of Judicial Officer

DUROSS FITZPATRICK, SENIOR U.S. DISTRICT JUDGE

Name and Title of Judicial Officer

November 22, 2002

Date

EOD 11-22-02

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DEFENDANT: ERIC M. PEAGLER  
CASE NUMBER: 2:02CR00016-005

Judgment — Page 2 of 6

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 180 Months.

The defendant shall stand committed for service of this sentence upon his release to federal custody.

☐ The court makes the following recommendations to the Bureau of Prisons:

X The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL



DEFENDANT: ERIC M. PEAGLER  
CASE NUMBER: 2:02CR00016-005

Judgment—Page 3 of 6

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term 5 Years.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not illegally possess a controlled substance.

*For offenses committed on or after September 13, 1994:*

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter.

☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse.

☒ The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 245B (Rev. 3/01) Judgment in a Criminal Case  
Sheet 3C — Supervised Release

DEFENDANT: ERIC M. PEAGLER  
CASE NUMBER: 2:02CR00016-005

Judgment—Page 4 of 6

### **SPECIAL CONDITIONS OF SUPERVISION**

The defendant shall participate in drug testing and/or treatment if directed by the probation officer. The defendant shall contribute to the costs of any treatment based on ability to pay and availability of third party payments.

The defendant shall provide the probation officer any requested financial information.

The defendant shall submit to a search of his person, residence, office or vehicle pursuant to the search policy of this court.

DEFENDANT: ERIC M. PEAGLER

CASE NUMBER:

### CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ 0	\$ 0

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid in full prior to the United States receiving payment.

<u>Name of Payee</u>	<u>*Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
----------------------	----------------------------------	--	--

TOTALS \$ \_\_\_\_\_ \$ \_\_\_\_\_

☐ If applicable, restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 5, Part B may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

☐ the interest requirement is waived for the ☐ fine and/or ☐ restitution.

☐ the interest requirement for the ☐ fine and/or ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

DEFENDANT: ERIC M. PEAGLER  
CASE NUMBER: 2:02CR00016-005

Judgment — Page 6 of 6

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☐ in accordance with ☐ C, ☐ D, or ☐ E below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ E below); or
- C ☐ Payment in \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☒ Special instructions regarding the payment of criminal monetary penalties:  
Payment shall be made to the Clerk, U.S. District Court, P.O. Box 711, Montgomery, AL 36101, which is due immediately.

Unless the court has expressly ordered otherwise in the special instruction above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court, unless otherwise directed by the court, the probation officer, or the United States attorney.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant Name, Case Number, and Joint and Several Amount:

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest (7) penalties, and (8) costs, including cost of prosecution and court costs.

27BC, CLOSED

**U.S. District Court  
Alabama Middle District (Montgomery)  
CRIMINAL DOCKET FOR CASE #: 2:02-cr-00016-WHA-5  
Internal Use Only**

Case title: USA v. Lozano, et al

Date Filed: 01/29/2002

Assigned to: Honorable W. Harold  
Albritton, III

**Defendant**

**Eric M. Peagler (5)**

represented by **Jeffery C. Duffey**  
Law Office of Jeffery C. Duffey  
600 S. McDonough St.  
Montgomery, AL 36104  
334-834-4100  
Fax: 834-4101  
Email: jcduffey@aol.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

**Pending Counts**

21:846 CONSP:DISTB/POSS TO  
DISTB COCAINE/MARIJ --  
\$4,000,000; [\*]; NLT 10, NMT LIFE;  
B; NLT 5Y SUP REL; VWPA; G-LNS;  
\$100 SA  
(1)

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

21:841(a)(1) DISTB: MARIJ -- NMT  
\$4,000,000; [\*]; NLT 10Y, NMT LIFE;  
B; NLT 5Y SUP REL; VWPA; G-LNS;  
\$100 SA  
(5)

**Disposition**

180 months imprisonment to stand  
committed upon defendant's release to  
federal custody; 5 years supervised  
release; pay a \$100 special assessment  
fee which is due immediately.

**Disposition**

Dismissed

**Highest Offense Level (Terminated)**

Felony

**Complaints**

None

**Disposition**

**Plaintiff**

**United States of America**

represented by **Louis V. Franklin, Sr.**

U.S. Attorney's Office  
PO Box 197  
Montgomery, AL 36101-0197  
334-223-7280  
Fax: 223-7560  
Email: louis.franklin@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Susan R. Redmond**  
U.S. Attorney's Office  
PO Box 197  
Montgomery, AL 36101-0197  
334-223-7280  
Fax: 223-7560  
Email: susan.redmond@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Terry F. Moorer**  
U.S. Attorney's Office  
PO Box 197  
Montgomery, AL 36101-0197  
334-223-7280  
Fax: 223-7560  
Email: debbie.shaw@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
01/22/2002		**Terminated attorney Roianne Houltton Conner for Cesar Lozano (ws) (Entered: 02/13/2002)
01/29/2002	83	INDICTMENT as to Maria Irma Lozano (1) count(s) 1, 6, Cesar Lozano (2) count(s) 1, 6, Juan A. Ruiz (3) count(s) 1, 6, Guadalupe Lori

		Hernandez (4) count(s) 1, 6, Eric M. Peagler (5) count(s) 1, 5, Richmond Lee Thomas (6) count(s) 1, 6, Jeanette Wilson Thomas (7) count(s) 1, 6, Courtney D. Wilson (8) count(s) 1, 6, Stanley Moseley (9) count(s) 1, 2, 3, 4 (Preliminary Examination cancelled.) (snc) (Entered: 02/08/2002)
01/29/2002		Magistrate Judge Charles S. Coody assigned to case for discovery matters as well as matters subsequently referred by District Judge. (snc) (Entered: 02/08/2002)
01/29/2002		(snc) (Entered: 02/08/2002)
01/29/2002		**Added (ip) parties Maria Irma Lozano (Montgomery City Jail), Cesar Lozano (Montgomery City Jail), Juan A. Ruiz (Montgomery City Jail), Guadalupe Lori Hernandez (Montgomery City Jail), Eric M. Peagler (Shelby County Jail), Richmond Lee Thomas (5914 Singleton Street, Montgomery, AL 36116), Jeanette Wilson Thomas (5914 Singleton Street, Montgomery, AL 36116), Courtney D. Wilson (5914 Singleton Street, Montgomery, AL), Stanley Moseley (4521 Beth Manor Drive, Montgomery, AL) (snc) (Entered: 02/08/2002)
01/29/2002		**Added Government Attorney Terry F. Moorner as to Maria Irma Lozano, Cesar Lozano, Juan A. Ruiz, Guadalupe Lori Hernandez, Eric M. Peagler, Richmond Lee Thomas, Jeanette Wilson Thomas, Courtney D. Wilson, Stanley Moseley (snc) (Entered: 02/08/2002)
01/30/2002	84	PETITION by USA for Writ of Habeas Corpus ad prosequendum as to Eric M. Peagler ( referred to Mag. Judge Delores R. Boyd ) (sql) (Entered: 02/11/2002)
02/05/2002	94	MOTION by USA as to Maria Irma Lozano, Cesar Lozano, Juan A. Ruiz, Guadalupe Lori Hernandez, Eric M. Peagler, Richmond Lee Thomas, Jeanette Wilson Thomas, Courtney D. Wilson, Stanley Moseley to re-order defendants [94-1] referred to Mag. Judge Charles S. Coody (sql) (Entered: 02/11/2002)
02/06/2002	95	ORDER as to Eric M. Peagler granting [84-1] petition as to Eric M. Peagler (5) ( Signed by Mag. Judge Delores R. Boyd ) , Copies furnished to: usa, ptso, uspo, usm (sql) (Entered: 02/11/2002)
02/06/2002	96	WRIT of Habeas Corpus ad Prosequendum issued as to Eric M. Peagler for 2/14/02 (sql) (Entered: 02/11/2002)
02/14/2002		Deadline updated as to Eric M. Peagler, set Arraignment for at 10:00 12/14/02 for Eric M. Peagler for Third Floor Courtroom before Mag. Judge Charles S. Coody in Third Floor Courtroom (dkt clerk) (Entered: 02/14/2002)
02/14/2002		ARRAIGNMENT as to Eric M. Peagler set for 10:00 2/14/02 for Eric M. Peagler at Third Floor Courtroom before Mag. Judge Charles S. Coody (dkt clerk) (Entered: 02/14/2002)



02/15/2002	118	Arrest WARRANT Returned Executed as to Eric M. Peagler on 2/13/02 (ekl) (Entered: 02/20/2002)
02/19/2002		Initial appearance as to Eric M. Peagler held before Mag. Judge Charles S. Coody on 2/19/02 (Defendant informed of rights.) (dkt clerk) (Entered: 02/20/2002)
02/19/2002	115	Courtroom Deputy's Minutes as to Eric M. Peagler: Re: Initial Appearance. Tape 3710S (dkt clerk) (Entered: 02/20/2002)
02/19/2002		Initial appearance as to Eric M. Peagler held before Mag. Judge Charles S. Coody on 2/19/02 (Defendant informed of rights.) (dkt clerk) (Entered: 02/20/2002)
02/19/2002	125	Courtroom Deputy's Minutes as to Eric M. Peagler: Re: Initial Appearance. Tape 3010S (dkt clerk) (Entered: 02/20/2002)
02/20/2002		**Added for Eric M. Peagler CJA Attorney Jeffery C. Duffey (ekl) (Entered: 03/06/2002)
02/21/2002		ARRAIGNMENT as to Eric M. Peagler held before Mag. Judge Charles S. Coody on 2/21/02 Defendant(s) appeared with counsel and after having been advised of Defendant(s)' rights, entered a plea of not guilty. (dkt clerk) (Entered: 02/21/2002)
02/21/2002		PLEA of Not Guilty: Eric M. Peagler (5) count(s) 1, 5 ; Court accepts plea. (dkt clerk) (Entered: 02/21/2002)
02/21/2002	126	Courtroom Deputy's Minutes as to Eric M. Peagler: Re: Initial Appearance. Tape 3010S (dkt clerk) Modified on 02/21/2002 (Entered: 02/21/2002)
02/22/2002	<u>127</u>	ORDER on Arraignment as to Maria Irma Lozano, Cesar Lozano, Juan A. Ruiz, Guadalupe Lori Hernandez, Eric M. Peagler, Stanley Moseley Setting a U.S. Probation Officer Conference for Stanley Moseley on 3/5/02 at 11:45 a.m., Maria Lozano on 3/5/02 at 12:15 p.m., Cesar Lozano on 3/5/02 at 12:30 p.m., Juan Ruiz on 3/7/02 at 11:45 p.m., Guadalupe L. Hernandez on 3/7/02 at 12:00 p.m., Eric M. Peagler on 3/5/02 at 11:30 a.m.; that all Discovery be conducted according the this court's Standing Order on Criminal Discovery; directing that Discovery is due from the government on or before 3/1/02 for Maria Irma Lozano, for Cesar Lozano, for Juan A. Ruiz, for Guadalupe Lori Hernandez, for Eric M. Peagler, for Stanley Moseley; disclosures from the defendant are due on or before 3/12/02; Pretrial Motions due by 3/6/02 for Maria Irma Lozano, for Cesar Lozano, for Juan A. Ruiz, for Guadalupe Lori Hernandez, for Eric M. Peagler, for Stanley Moseley ; Pretrial Conference is set for 1:30 p.m. on 3/8/02 for Maria Irma Lozano, for Cesar Lozano, for Juan A. Ruiz, for Guadalupe Lori Hernandez, for Eric M. Peagler, for Stanley Moseley in Third Floor Courtroom before Mag. Judge Charles S. Coody; that any requested voir dire and jury instructions must be filed no later than one week before jury selection; Jury Trial set for 10:00 a.m. on 4/15/02 for Maria Irma Lozano, for Cesar Lozano, for Juan A. Ruiz, for Guadalupe



		Lori Hernandez, for Eric M. Peagler, for Stanley Moseley at U.S. Courthouse before Unassigned Judge; Jury Selection is set for 10:00 a.m. on 4/15/02 for Maria Irma Lozano, for Cesar Lozano, for Juan Ruiz, for Guadalupe Lori Hernandez, for Eric M. Peagler, Stanley Moseley in U.S. Courthouse before Unassigned Judge and government response to pretrial motions due 10 days motion filing date. ( Signed by Mag. Judge Charles S. Coody ) Copies mailed to: Counselors & Defendants, Copies furnished to: USA, USM, USPO, USPTS, WR, EL, YG, MD (ws) (Entered: 02/22/2002)
03/07/2002	141	NOTICE to Court Regarding Probation Officer Conference as to Eric M. Peagler (ekl) (Entered: 03/07/2002)
03/07/2002		Pre-trial conference as to Maria Irma Lozano, Cesar Lozano, Juan A. Ruiz, Guadalupe Lori Hernandez, Eric M. Peagler, Richmond Lee Thomas, Jeanette Wilson Thomas, Courtney D. Wilson, Stanley Moseley set for 1:30 3/8/02 for Maria Irma Lozano, for Cesar Lozano, for Juan A. Ruiz, for Guadalupe Lori Hernandez, for Eric M. Peagler, for Richmond Lee Thomas, for Jeanette Wilson Thomas, for Courtney D. Wilson, for Stanley Moseley at Third Floor Courtroom before Mag. Judge Charles S. Coody (dkt clerk) (Entered: 03/07/2002)
03/08/2002	142	NOTICE of Additional Trial During Trial Term by Jeffery Duffey for Eric M. Peagler (ekl) (Entered: 03/08/2002)
03/08/2002	145	MOTION (Petition) by USA as to Eric M. Peagler for Release of prisoner from Custody 3/11/02 thru 6/30/02 [145-1] referred to Mag. Judge Charles S. Coody (ekl) (Entered: 03/08/2002)
03/08/2002		Pre-trial conference as to Maria Irma Lozano, Cesar Lozano, Juan A. Ruiz, Guadalupe Lori Hernandez, Eric M. Peagler, Richmond Lee Thomas, Jeanette Wilson Thomas, Courtney D. Wilson, Stanley Moseley held before Mag. Judge Charles S. Coody on 3/8/02 (dkt clerk) (Entered: 03/08/2002)
03/08/2002	<u>146</u>	ORDER as to Eric M. Peagler granting [145-1] motion for Release of prisoner from Custody 3/11/02 thru 6/30/02 as to Eric M. Peagler (5) ( Signed by Mag. Judge Charles S. Coody ) Copies mailed to: , Copies furnished to: USA,USM,USPTS,USPO,COUNSEL (ekl) (Entered: 03/08/2002)
03/08/2002	147	CJA 20 as to Eric M. Peagler : Appointment of Attorney Jeffery Duffey ( Signed by Mag. Judge Charles S. Coody ) Original mailed to: counsel (with attached worksheets), (ekl) (Entered: 03/08/2002)
03/08/2002	148	Courtroom Deputy's Minutes as to Maria Irma Lozano, Cesar Lozano, Juan A. Ruiz, Guadalupe Lori Hernandez, Eric M. Peagler, Richmond Lee Thomas, Jeanette Wilson Thomas, Courtney D. Wilson, Stanley Moseley : Re: Pretrial Conference. Tapte 3711S (dkt clerk) (Entered: 03/08/2002)





03/13/2002	<u>150</u>	ORDER as to Eric M. Peagler that all discovery as required by the court's standing order on criminal discovery be provided to each of defendant on or before 3/15/02 ( Signed by Mag. Judge Charles S. Coody ) Copies mailed to: Counsel, Copies furnished USA, USM, USPO,USPTS, EL, CA (ws) (Entered: 03/13/2002)
03/25/2002		**Added ip party Beverly Childress as to Cesar Lozano only. (ekl) Modified on 03/25/2002 (Entered: 03/25/2002)
03/25/2002		**Added party USA Financial Unit (ekl) (Entered: 03/25/2002)
04/05/2002	<u>158</u>	ORDER as to Maria Irma Lozano, Cesar Lozano, Juan A. Ruiz, Guadalupe Lori Hernandez, Eric M. Peagler, Richmond Lee Thomas, Jeanette Wilson Thomas, Courtney D. Wilson, Stanley Moseley granting [94-1] motion to re-order defendants as to Maria Irma Lozano (1), Cesar Lozano (2), Juan A. Ruiz (3), Guadalupe Lori Hernandez (4), Eric M. Peagler (5), Richmond Lee Thomas (6), Jeanette Wilson Thomas (7), Courtney D. Wilson (8), Stanley Moseley (9) ( Signed by Mag. Judge Charles S. Coody ) Copies mailed to: Counsel & Defendant, Copies furnished to: USA, USM,USPO, USPTS, EL, CA (ws) (Entered: 04/05/2002)
04/05/2002	<u>159</u>	PRETRIAL CONFERENCE ORDER as to Maria Irma Lozano, Cesar Lozano, Juan A. Ruiz, Guadalupe Lori Hernandez, Eric M. Peagler, Richmond Lee Thomas, Jeanette Wilson Thomas, Courtney D. Wilson, Stanley Moseley Setting Final Pretrial Conference for 3:00 p.m. on 6/6/02 for Maria Irma Lozano, for Cesar Lozano, for Juan A. Ruiz, for Guadalupe Lori Hernandez, for Eric M. Peagler, for Richmond Lee Thomas, for Jeanette Wilson Thomas, for Courtney D. Wilson, for Stanley Moseley in Third Floor Courtroom before Mag. Judge Charles S. Coody at U.S. Courthouse ; Jury Selection set for 10:00 a.m. on 7/15/02 for Maria Irma Lozano, for Cesar Lozano, for Juan A. Ruiz, for Guadalupe Lori Hernandez, for Eric M. Peagler, for Richmond Lee Thomas, for Jeanette Wilson Thomas, for Courtney D. Wilson, for Stanley Moseley at U.S. Courthouse before Circuit Judge Duross Fitzpatrick ; Setting Jury Trial for 10:00 a.m. on 7/15/02 for Maria Irma Lozano, for Cesar Lozano, for Juan A. Ruiz, for Guadalupe Lori Hernandez, for Eric M. Peagler, for Richmond Lee Thomas, Jeanette Wilson Thomas, for Courtney D. Wilson, for Stanley Moseley before Circuit Judge Duross Fitzpatrick at U.S. Courthouse and is expected to last three trial days ; there is one motion pending relating to the scope of discovery; Resolution of this motion will not affect the trial date; Setting proposed jury instructions due on 7/8/02 for Maria Irma Lozano, for Cesar Lozano, for Juan A. Ruiz, for Guadalupe Lori Hernandez, for Eric M. Peagler, Richmond Lee Thomas, for Jeanette Wilson Thomas, for Courtney D. Wilson, for Stanley Moseley , Setting voir dire questions due on 7/8/02 for Maria Irma Lozano, for Cesar Lozano, for Juan A. Ruiz, for Guadalupe Lori Hernandez, for Eric M. Peagler, for Richmond Lee Thomas, Jeanette Wilson Thomas, for Courtney D. Wilson, for Stanley Moseley; the last day the court will















		entertain a plea is 7/10/02 ( Signed by Mag. Judge Charles S. Coody ) Copies mailed to: Counsel & Defendants, Copies furnished to: USA, USM, USPO, USPTS, EL, CA, YG, MD, WR (ws) (Entered: 04/05/2002)
04/05/2002		CASE Assigned to Circuit Judge Duross Fitzpatrick (ws) (Entered: 04/05/2002)
04/05/2002		**Case is assigned to Visiting Circuit Judge Duross Fitzpatrick . (ws) (Entered: 04/05/2002)
04/08/2002		(ekl) (Entered: 04/08/2002)
04/10/2002		Final Pre-trial conference as to Maria Irma Lozano, Cesar Lozano, Juan A. Ruiz, Guadalupe Lori Hernandez, Eric M. Peagler, Richmond Lee Thomas, Jeanette Wilson Thomas, Courtney D. Wilson, Stanley Moseley set for 3:00 6/6/02 for Maria Irma Lozano, for Cesar Lozano, for Juan A. Ruiz, for Guadalupe Lori Hernandez, for Eric M. Peagler, for Richmond Lee Thomas, for Jeanette Wilson Thomas, for Courtney D. Wilson, for Stanley Moseley at Third Floor Courtroom before Mag. Judge Charles S. Coody (dkt clerk) (Entered: 04/10/2002)
06/26/2002	<u>171</u>	ORDER as to Eric M. Peagler referring this case to a U.S. Magistrate Judge to conduct all of the proceedings required by Rule 11 incident to a guilty plea and to make a recommendation concerning acceptance of the guilty plea ( Signed by Circuit Judge Duross Fitzpatrick ) Copies mailed to: counsel, Copies furnished to: USA,PO,PTSO,USM,CA (dkt clerk) (Entered: 06/26/2002)
07/03/2002		Change of Plea hearing set for 12:00 7/10/02 for Eric M. Peagler, for Richmond Lee Thomas, for Courtney D. Wilson at U.S. Courthouse before Mag. Judge Charles S. Coody (dkt clerk) (Entered: 07/03/2002)
07/08/2002	174	NOTICE of Establish Prior Conviction by USA as to Eric M. Peagler (ws) (Entered: 07/09/2002)
07/10/2002		Deadline updated as to Eric M. Peagler, Richmond Lee Thomas, Courtney D. Wilson, reset Change of Plea Hearing for for 3:00 7/11/02 for Eric M. Peagler, for Richmond Lee Thomas, for Courtney D. Wilson at U.S. Courthouse before Mag. Judge Charles S. Coody in U.S. Courthouse (dkt clerk) (Entered: 07/10/2002)
07/11/2002	177	Consent to Enter Plea before a U.S. Magistrate Judge executed by Eric Peagler this date. (dkt clerk) (Entered: 07/12/2002)
07/11/2002		Change of Plea hearing held in order for defendant to change his/her plea to a plea of, Guilty: Eric M. Peagler (5) count(s) 1 . Court will recommend that plea be accepted. (dkt clerk) (Entered: 07/12/2002)
07/11/2002	<u>178</u>	Plea Agreement as to Eric M. Peagler (dkt clerk) (Entered: 07/12/2002)
07/11/2002	179	Courtroom Deputy's Minutes as to Eric M. Peagler: Re: Change of plea hearing. Court Reporter: Jimmy Dickens (dkt clerk) (Entered: 07/12/2002)

07/11/2002		** Renoticed document [181-1] plea agreement. Bar code not produced. (dkt clerk) (Entered: 07/12/2002)
07/12/2002		REPORT AND RECOMMENDATIONS (Rendered 7/11/02) of Mag. Judge Charles S. Coody as to Eric M. Peagler Re: acceptance of Guilty Plea to Count 1 of the indictment, Objections Objections due by 7/25/02 [195-1] report and recommendations Copies mailed to: counsel, Copies furnished to: USA,PO,PTSO,USM (dkt clerk) (Entered: 07/12/2002)
07/16/2002	<u>201</u>	ORDER as to Eric M. Peagler set Sentencing for for 9:30 10/15/02 for Eric M. Peagler at U.S. Courthouse before Circuit Judge Duross Fitzpatrick in U.S. Courthouse; that objections to the PSI Report shall be made in writing to the probation officer on or before 9/23/02; scheduling a meeting for the parties by phone with the probation officer for 9:30 a.m. on 9/25/02 ( Signed by Circuit Judge Duross Fitzpatrick ) Copies mailed to: counsel, defendant, Copies furnished to: USA,PO,PTSO,USM,MD,YG (dkt clerk) (Entered: 07/16/2002)
07/16/2002		** Renoticed document [201-2] order failed to pick parties (dkt clerk) (Entered: 07/16/2002)
07/26/2002		**Terminated deadlines as to Maria Irma Lozano, Cesar Lozano, Juan A. Ruiz, Guadalupe Lori Hernandez, Eric M. Peagler, Richmond Lee Thomas, Jeanette Wilson Thomas, Courtney D. Wilson, Stanley Moseley (dkt clerk) (Entered: 07/26/2002)
07/26/2002	<u>205</u>	ORDER as to Eric M. Peagler accepting defendant's plea of guilty to Count 1 of the indictment; adopting [195-1] report and recommendations Objections Objections due by 7/25/02 report and recommendations as to Eric M. Peagler (5); that all applicable deadlines be terminated and any pending motions are denied as moot. ( Signed by Circuit Judge Duross Fitzpatrick ) Copies mailed to: counsel, Copies furnished to: USA,PO,PTSO,USM (dkt clerk) Modified on 07/29/2002 (Entered: 07/29/2002)
07/26/2002		**Terminated document(s) as to Eric M. Peagler : (dkt clerk) (Entered: 10/28/2002)
07/29/2002		** Renoticed document [205-1] order. (Failed to pick parties) (dkt clerk) (Entered: 07/29/2002)
09/27/2002		10/15/02 Sentencing reset for 9:00 11/12/02 for Eric M. Peagler at Courtroom 2A before Circuit Judge Duross Fitzpatrick Eric M. Peagler (5) count(s) 1 (dkt clerk) (Entered: 09/27/2002)
09/27/2002	<u>213</u>	NOTICE of new date for sentencing as to Eric M. Peagler. (11/12/02 at 9:00 in Courtroom 2A.) Copies furnished to USA,PO,PTSO,USM; mailed to counsel and defendant. (dkt clerk) (Entered: 09/27/2002)
09/27/2002		** Renoticed document [213-1] notice to print bar labels. (dkt clerk) (Entered: 09/27/2002)



09/27/2002		** Renoticed document [214-1] notice to print bar labels. (dkt clerk) (Entered: 09/27/2002)
09/27/2002		** Renoticed document [215-1] notice to print bar labels. (dkt clerk) (Entered: 09/27/2002)
10/24/2002	<u>217</u>	SENTENCING NOTICE as to Eric M. Peagler ; Sentencing set for 9:00 11/12/02 for Eric M. Peagler at Courtroom 2A ; SENTENCING Notice sent to ATTORNEYS Jeffery C. Duffey for defendant Eric M. Peagler, Terry F. Moorner for plaintiff USA ; Copies furnished to: USM,PO,PTSO; mailed to deft. (dkt clerk) (Entered: 10/24/2002)
11/08/2002		** Renoticed document [222-1] notice to print bar code. (dkt clerk) (Entered: 11/08/2002)
11/08/2002		** Renoticed document [223-1] notice to print bar code. (dkt clerk) (Entered: 11/08/2002)
11/12/2002		Sentencing held before Circuit Judge Duross Fitzpatrick on 11/12/02 Eric M. Peagler (5) count(s) 1. (Court Reporter: Risa Entrekin) (dkt clerk) (Entered: 11/15/2002)
11/12/2002		MOTION in open court by USA as to Eric M. Peagler to Withdraw [174-1] Notice of Information to Establish Prior Conviction by USA (dkt clerk) (Entered: 11/15/2002)
11/12/2002		ORAL ORDER as to Eric M. Peagler granting [0-0] oral motion to Withdraw [174-1] Notice of Information to Establish Prior Conviction by USA as to Eric M. Peagler (5) ( Entered by Circuit Judge Duross Fitzpatrick ) (dkt clerk) (Entered: 11/15/2002)
11/12/2002		MOTION in open court by USA as to Eric M. Peagler to Dismiss Count 5 of the indictment. (dkt clerk) (Entered: 11/15/2002)
11/12/2002		ORAL ORDER as to Eric M. Peagler granting [0-0] oral motion to Dismiss Count 5 of the indictment. as to Eric M. Peagler (5) ( Entered by Circuit Judge Duross Fitzpatrick ) (dkt clerk) (Entered: 11/15/2002)
11/12/2002		DISMISSAL of Count(s) on Government Motion as to Eric M. Peagler Counts Dismissed: Eric M. Peagler (5) count(s) 5 (dkt clerk) (Entered: 11/15/2002)
11/12/2002	224	Courtroom Deputy's Minutes of 11/12/02 sentencing hearing as to Eric M. Peagler : (dkt clerk) (Entered: 11/15/2002)
11/22/2002	<u>226</u>	JUDGMENT Eric M. Peagler (5) count(s) 1. 180 months imprisonment to stand committed upon defendant's release to federal custody; 5 years supervised release; pay a \$100 special assessment fee which is due immediately. , Eric M. Peagler (5) count(s) 5. Dismissed ( Signed by Circuit Judge Duross Fitzpatrick ) Copies mailed to: counsel, defendant, Copies furnished to: USA,PO,PTSO,USM, FINANCIAL (dkt clerk) (Entered: 11/22/2002)

12/17/2002	230	WRIT of Habeas Corpus ad Prosequendum executed as to Eric M. Peagler on 2/13/02 (ws) (Entered: 12/17/2002)
12/23/2002		(ws) (Entered: 12/23/2002)
01/08/2003		** Renoticed document [235-1] notice to pick parties and print bar code. (dkt clerk) (Entered: 01/08/2003)
01/08/2003		** Renoticed document [236-1] notice to pick parties and print bar code. (dkt clerk) (Entered: 01/08/2003)
01/22/2003		(ws) (Entered: 01/22/2003)
01/22/2003		(snc) (Entered: 01/23/2003)
02/13/2003	251	CJA 20 Authorization to pay Jeffery C. Duffey for defendant Eric M. Peagler , Amount: \$ 3,479.90 Voucher # 030212000118 ( Signed by Judge Ira De Ment ) Copies mailed to: Counsel, (ws) (Entered: 03/06/2003)
03/18/2003		**Added Government Attorney Louis V. Franklin Sr. (ekl) (Entered: 03/18/2003)
03/24/2003		** Renoticed document [257-1] notice to pick parties for bar code. (dkt clerk) (Entered: 03/24/2003)
03/24/2003		** Renoticed document [258-1] notice to pick parties for bar code. (dkt clerk) (Entered: 03/24/2003)
07/16/2003	273	Judgment Returned Executed as to Eric M. Peagler ; on 6/18/03 (ekl) (Entered: 07/17/2003)
08/07/2003		**Case closed as to Maria Irma Lozano, Cesar Lozano, Juan A. Ruiz, Guadalupe Lori Hernandez, Eric M. Peagler, Richmond Lee Thomas, Jeanette Wilson Thomas, Courtney D. Wilson, Stanley Moseley (all defendants). (dkt clerk) (Entered: 08/07/2003)
08/13/2004	 <u>291</u>	Judgment Returned Executed as to Eric M. Peagler on 7/29/04 delivered to FCI Marianna, FL. (ws, ) (Entered: 08/16/2004)
04/11/2005		Assessment Payment Received from BOP: as to Eric M. Peagler \$ 25.00, receipt number 105953 (war) (Entered: 04/19/2005)
10/07/2005		Payment Received from BOP: as to Eric M. Peagler \$ 75.00 assessment, receipt number 107907 (ws, ) (Entered: 10/13/2005)
12/01/2005	 <u>292</u>	MOTION to Reduce Sentence <i>Pursuant to Rule 35(b)</i> , by United States of America as to Eric M. Peagler. (Morris, A.) (Entered: 12/01/2005)
12/01/2005		Case as to Eric M. Peagler Reassigned to Judge W. Harold Albritton, III. Judge Duross Fitzpatrick no longer assigned to the case. (ws, ) (Entered: 03/31/2006)
12/06/2005	 <u>294</u>	ORDER granting <u>292</u> Motion to Reduce Sentence as to Eric M. Peagler (5) that the defendant's term of imprisonment is REDUCED from 180

		months to 168 months. Signed by Judge W. Harold Albritton III on 12/6/05. (ws, ) (Entered: 12/06/2005)
12/19/2005	 <u>296</u>	MOTION (Pro Se) to Reduce Sentence by Eric M. Peagler. (ws ) (Entered: 12/19/2005)
01/27/2006	 <u>297</u>	ORDER as to Eric M. Peagler Response by USA to defendant's pro se motion for reduction of sentence due by 2/10/2006. Signed by Judge W. Harold Albritton III on 1/27/2006. (sql, ) (Entered: 01/27/2006)
02/06/2006	 <u>298</u>	RESPONSE to Motion by United States of America as to Eric M. Peagler re <u>296</u> MOTION to Reduce Sentence (Morris, A.) (Entered: 02/06/2006)
02/14/2006	 <u>299</u>	ORDER denying <u>296</u> Motion to Reduce Sentence as to Eric M. Peagler (5). Signed by Judge W. Harold Albritton III on 2/14/06. (ws, ) (Entered: 02/14/2006)
02/24/2006	 <u>300</u>	NOTICE OF APPEAL by Eric M. Peagler to the United States Court of Appeals Eleventh Circuit from the <u>299</u> Order on Motion to Reduce Sentence. copies mailed (ydw, ) (Entered: 02/24/2006)
02/24/2006	 <u>301</u>	MOTION (affidavit) for Leave to Appeal In Forma Pauperis by Eric M. Peagler. (ydw, ) (Entered: 02/24/2006)
02/24/2006		Transmission of Notice of Appeal and Certified copy of Docket Sheet and Order as to Eric M. Peagler to US Court of Appeals re <u>300</u> Notice of Appeal - (ydw, ) (Entered: 02/24/2006)
02/24/2006		Notice of Appeal <u>300</u> construed as containing MOTION for Certificate of Appealability by Eric M. Peagler. (ydw, ) (Entered: 04/06/2006)
03/01/2006		USCA Case Number as to Eric M. Peagler 06-11334-G for <u>300</u> Notice of Appeal - Final Judgment filed by Eric M. Peagler. (ydw, ) (Entered: 03/02/2006)
03/06/2006	 <u>302</u>	RECEIVED TRANSCRIPT REQUEST re <u>300</u> Notice of Appeal - Final Judgment from pro se appellant Eric M. Peagler, with following notation: "No transcript is required for appeal purpose" (ydw, ) (Entered: 03/06/2006)
04/06/2006	 <u>303</u>	ORDER construing the Notice of Appeal, as containing a motion for issuance of certificate of appealability; denying [] Motion for Certificate of Appealability as to Eric M. Peagler(5);denying <u>301</u> Motion for Leave to Appeal In Forma Pauperis as to Eric M. Peagler (5) . Signed by Judge W. Harold Albritton III on 4/6/06. (ydw, ) (Entered: 04/06/2006)
04/24/2006		Request for Original Papers By USCA Eleventh Circuit re: 06-11334-G, <u>300</u> Notice of Appeal (ydw, ) (Entered: 05/02/2006)
05/03/2006		Original Papers Transmitted to USCA re 06-11334-G, <u>300</u> Notice of Appeal (ydw, ) (Entered: 05/03/2006)
05/11/2006		Acknowledgement of Receipt of Original Papers from USCA re 06-11334-G, <u>300</u> Notice of Appeal - Final Judgment (ydw, ) (Entered: 05/11/2006)

		05/11/2006)
06/20/2006	● <u>304</u>	ORDER of USCA as to Eric M. Peagler re 06-11334-G, <u>300</u> Notice of Appeal, that the district court properly denied appellants Fed.R.Crim.P.35(a)motion because the motion was not filed within seven days after appellant's sentencing. See Fed.R.Crim.P.35(a). Accordingly, appellant's motion for leave to proceed on appeal in forma pauperis is DENIED because the appeal is frivolous. Ellis v. United States,356U.S.674,674-75,78S.Ct.974,975,2L.Ed.2d 1060(1958). (ydw, ) (Entered: 06/21/2006)
06/20/2006	●	Original Papers (One vol. Pleadings; One SEALED PSI) Received from USCA re: 06-11334-G, <u>300</u> Notice of Appeal (ydw, ) (Entered: 06/21/2006)
07/06/2006	●	USCA Appeal Fees received \$ 255.00, receipt number 110791 as to Eric M. Peagler re <u>300</u> Notice of Appeal - Final Judgment (ydw, ) (Entered: 07/10/2006)
09/05/2006	●	Certificate of Readiness to US Court of Appeals re 06-11334-GG, <u>300</u> Notice of Appeal - Final Judgment (ydw, ) (Entered: 09/07/2006)
09/05/2006	●	Request for Record on Appeal By USCA Eleventh Circuit RE: 06-11334-GG, <u>300</u> NOTICE OF APPEAL (ydw, ) (Entered: 09/13/2006)
09/13/2006	●	Certified and Transmitted Record on Appeal as to Eric M. Peagler to US Court of Appeals re 06-11334-GG, <u>300</u> Notice of Appeal - Final Judgment (ydw, ) (Entered: 09/13/2006)
09/21/2006	●	Acknowledgement of Receipt of Record on Appeal from USCA re 06-11334-GG, <u>300</u> Notice of Appeal - Final Judgment (ydw, ) (Entered: 09/21/2006)
11/08/2006	● <u>305</u>	Entry of Dismissal issued as the MANDATE of USCA (certified copy) as to Eric M. Peagler re 06-11334-GG, <u>300</u> Notice of Appeal - Final Judgment, pursuant to the appellant's motion for voluntary dismissal, Fed.R.App.P. 42 and 11th Cir.R. 42-1 (a), the above referenced appeal was duly entered dismissed this 6th day of November, 2006. FOR THE COURT - BY DIRECTION (ydw, ) (Entered: 11/09/2006)
11/08/2006	●	Appeal Record (ONE VOL. PLEADING AND ONE PSI) Returned as to Eric M. Peagler: RE: 06-11334-GG, <u>300</u> Notice of Appeal - Final Judgment (ydw, ) (Entered: 11/09/2006)